

## **REMARKS**

Applicants believe that the comments that follow will convince the Examiner that the rejections set forth in the December 28<sup>th</sup>, 2006 Office Action have been overcome and should be withdrawn. Applicant has amended claims 9 and 17. The amendments are in no way related to patentability. Applicant submits that each of these changes is supported by the specification; no new matter has been added. Claims 1-18 remain for consideration.

### **I. THE EXAMINER'S REJECTIONS**

#### **A. 35 U.S.C. § 112**

The Examiner rejected claims 9-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. The Examiner stated:

"Claim 9 recites the limitation 'said determining means' in lines 12 and 17. There is insufficient antecedent basis for this limitation in the claim. Nowhere in claim 9 is there previous mention of a determining means, making the scope of the claim unclear." (Office Action dated December 28<sup>th</sup>, 2006, p. 2)

#### **B. 35 U.S.C. § 101**

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner stated:

"Claims 17 and 18 recite descriptive material that may or may not be an embodiment of a computer system or embodied on a computer readable medium so as to be executable. Here, 'a computer program product comprising a computer usable medium' does not constitute eligible subject matter for patentability. The applicants' specification defines a computer program product in terms of both statutory and non-statutory embodiments. See the specification, page 16, lines 21-26. The 'carrier wave' embodiment

is considered non-statutory as a signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101. A claim that can be read so broadly as to include statutory and non-statutory subject matter must be amended to limit the claim to a practical application." (Office Action dated December 28<sup>th</sup>, 2006, pp. 2-3)

**C. 35 U.S.C. § 102**

The Examiner rejected claims 1-6, 9-14, 17 and 18 under 35 U.S.C. § 102(e) as being anticipated by Lerner, U.S. Pat. No. 6,954,799 (hereinafter "Lerner"). The Examiner stated that Lerner has disclosed: "A method for redirecting a user from a second web site to a first web site", comprising the steps of: (1) "providing, by the second web site, a URL offering a product or service to the user, said URL specifying a program on the second web site" (column 11, lines 3-9); (2) "reading, by said program, a cookie located in user's computer in response to the user activating said URL" (column 11, lines 9-14); (3) "providing a positive determination when an inquiry by said program, from said cookie as to whether the user already possesses said product or service is true" (column 11, Lines 32-37); (4) "redirecting, by said program, the user to the first web site when the determination of step (3) is positive determination, wherein the first web site is specified by said cookie" (column 11, lines 32-37); and (5) "offering, by the second web site, to supply said product or service to the user when the determination of step (3) is negative" (column 11, lines 14-18); "whereby the user who already possesses said product or service will not receive duplicate offers to supply said product or service from multiple web sites" (column 11, lines 32-37). (Office Action dated December 28<sup>th</sup>, 2006, pp. 3-5)

**D. 35 U.S.C. § 103**

Finally, the Examiner rejected claims 7, 8, 15 and 16 as being unpatentable over Lerner in view of the applicants' admitted prior art. The Examiner stated that it would have been obvious to one of ordinary skill in the art to modify the system of Lerner by adding the ability for the program to be a client side program that is downloaded from the second web site as provided by the applicants' admitted prior art.

**II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN**

**A. 35 U.S.C. § 112**

The Examiner rejected claims 9-16 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 9 has been amended to provide antecedent basis for the claim. Therefore it is requested that the § 112 rejection to claim 9 be withdrawn.

Dependent claims 10-16 are dependent on allowable independent claim 9 and are therefore in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

**B. 35 U.S.C. § 101**

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 17 in accordance with the Examiner's suggestion. Therefore it is respectfully requested that the § 101 rejection to claim 17 be withdrawn. Dependent claim 18 is

dependent on allowable independent claim 17 and is therefore in condition for allowance.

Hence, the Examiner is respectfully requested to withdraw the rejection.

C. 35 U.S.C § 102(e)

The Examiner rejected claims 1-6, 9-14, 17, and 18 under U.S.C. § 102(e) as  
5 being anticipated by Lerner. Applicants respectfully disagree and submit that Lerner fails  
to teach all of the elements of applicants' amended claims of the present invention.

The Examiner states that Lerner discloses a method and apparatus for integrating  
distributed shared services system. The Examiner further states that Lerner's method  
discloses the following:

10 Redirecting, by said program, the user to the first Web site when the  
determination of step (3) is positive determination, wherein the first Web  
site is specified by said cookie. (Office Action dated December 28<sup>th</sup>,  
2006, p. 4)

15 This is not the case. Lerner merely disclosed a method for comparing cookies to  
determine if the user has seen the latest version of the User Agreement (hereinafter  
"UA"). As stated in Lerner's specification:

20 At this time, when the user goes to the interactive education application,  
the application interface library 402 compares the updated information in  
the cookie to the latest version of the UA, and determining that the two  
versions of the UA match, the user is not presented with the UA for  
viewing again. (Lerner, Col. 11, Lines 32-37)

Therefore, upon a *positive determination* that the user has seen the latest version  
25 of the UA, the user is *not* presented with the UA for viewing again. Lerner fails to  
disclose "redirecting, by said program, the user to the first Web site".

In contrast, applicants' invention as defined by independent claim 1 requires  
"redirecting, by said program, the user to the first web site when the indication of step (3)

is positive". Upon a positive indication from reading the small sharable file, the user is redirected back to the first Web site which the user possess the service or product.

Therefore, applicants respectfully submit that Lerner fails to teach or disclose "redirecting, by said program, the user to the first web site when the indication of step (3) is positive" as required by independent claims 1, 9 and 17. Therefore, independent claims 1, 9 and 17 are not anticipated by Lerner and are in condition for allowance. The Examiner is respectfully requested to withdraw the rejection. Dependent claims 2-6, 8-14 and 18 are dependent on allowable independent claims 1, 9 and 17 and are also not anticipated by Lerner and are therefore in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

**D. 35 U.S.C. § 103(a)**

Further, the Examiner rejected claims 7, 8, 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Lerner, in view of the applicants' admitted prior art. As shown above, Lerner fails to teach "redirecting, by said program, the user to the first web site when the indication of step (3) is positive" as required by independent claims 1, 9 and 17. Accordingly, dependent claims 7, 8, 15 and 16 are not obviated by Lerner and/or applicants' admitted prior art, alone or in combination, and are in condition for allowance. Hence, the Examiner is respectfully requested to withdraw rejections.

#### IV. CONCLUSION

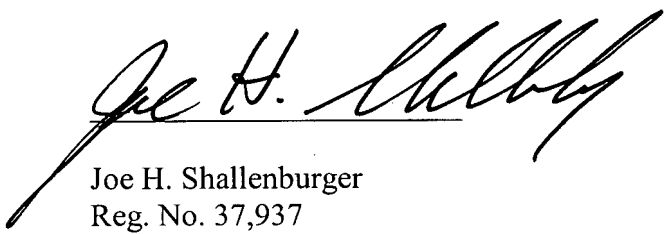
Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is filed with ONE month extension. If additional petition for extension of time and/or any other fees are required, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

Respectfully submitted,

Date

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